June 28, 2007

George H. Lowe
Magistrate Judge
U.S. District Court
100 S. Clinton Street
Syracuse, NY 13261

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
JUL - 8 2007
AT____ O'CLOCK____
Lawrence K. Baerman, Clerk - Syracuse

RE: Medina v. Hunt et al.
Dkt. No. 05-CV-1460

Dear Judge Lowe:

On June 21, 2007, my request for an extension of time in which to conduct discovery was denied by the Court. The Court, however, granted an extension so that I could conduct discovery solely from defendant Raymond Boyea who was recently named a defendant in this action.

I am hereby asking the Court to reconsider it June 21, 2007 order denying me to seek further discovery from defendants John Hunt, William Sprague and John Michaels.

It is the defendants' fault why discovery has not been timely completed. The defendants have ignored my good faith efforts to resolve the outstanding discovery disputes. The Court will see my reasonable, good faith efforts in seeking discovery and the defendants' lack-adaisical handling thereof. I should not be punished because the defendants have caused the delay and thus noncompliance with the set time to complete discovery. My motion to compel sets forth these circumstances.

Furthermore, I am being denied the "adequate, effective, and meaningful" access to the courts as enunciated by the Supreme Court in Bounds v. Smith, 430 U.S. 817 (1977). I am being denied sufficient amounts of writing paper; I have no access to the prison law library, the prison law clerks are incompetent; and I cannot effectively or timely do research and then compose necessary complaints, letters, motions et cetera. I have addressed the problem with the law library supervisor, the prison superintendent and grievance program.

The prison must provide inmates with sufficient access to legal materials and/or advice such that inmates may identify relevant legal authorities and present them to the courts in a meaningful and intelligible manner. See Benjamin v. Jacobson, 923 F.Supp. 517, 522 (S.D.N.Y 1996); Bounds v. Smith, 430 U.S. at 825-26. I should not be held accountable for the prison's failure to provide me what I am entitled to by law. I am not even allowed to purchase paper. See e.g. Morello v. James, 810 F.2d 344, 347 (2d Cir. 1987) (state is required to provide adequate drafting materials and postage).

Thus, the Court should permit me to finish seeking discovery from all defendants, order defense counsel to give proper attention to my requests, and extend the time for the parties to complete discovery.

Cordially yours,

[signature]

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AMF

TO: Jaime I. Roth, AAG
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